



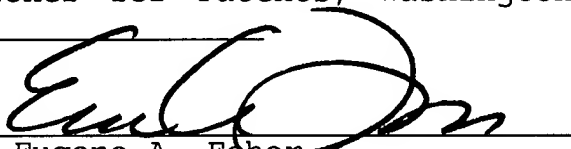
Op 2772
\$ #3
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Robert S. Silvers
Application No. : 08/957,833
Filed : October 27, 1997
For : DIGITAL COMPOSITION OF A MOSAIC IMAGE
Examiner :
Attorney's Docket : RTI-001XX

Group Art Unit: 2772

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on 8/31/98

By: 
Eugene A. Feher
Registration No. 33,171
Attorney for Applicant

PETITION TO MAKE SPECIAL

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 CFR §1.102, Applicant submits this Petition to make the above-identified application special. The basis for this Petition is the existence of an actual infringement. A Declaration of Robert S. Silvers, the inventor of the presently claimed subject matter, accompanies this Petition.

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An infringing device or product known as the LEADTOOLS, made and sold by LEAD Technologies, Inc., is available on the market. Information on the operation of the LEADTOOLS sufficient to establish infringement was first available in or about July 6, 1998.


A rigid comparison of the LEADTOOLS with the claims of the above-identified application has been made by Robert S. Silvers. In the opinion of Mr. Silvers, at least some of the claims of the above-identified application are unquestionably infringed by the LEADTOOLS. Mr. Silvers has a good knowledge of the pertinent prior art and has additionally made or caused to be made a careful and thorough search of the prior art. All the claims in the application are believed allowable over the prior art of record.

A check in the amount of \$130.00 pursuant to 37 CFR §1.17(i)(2) is submitted herewith. The Commissioner is hereby authorized to charge payment of any additional fees associated with this petition to Deposit Account No. 23-0804. This petition is filed in triplicate.

In view of the above, Applicant respectfully requests that this Petition to Make Special be granted.

Respectfully submitted,

ROBERT S. SILVERS

By: 
Eugene A. Feher
Registration No. 33,171
Attorney for Applicant

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By: 

Eugene A. Feher
Registration No. 33,171
Attorney for Applicant

DECLARATION OF ROBERT S. SILVERS

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Robert S. Silvers, hereby declare the following:

1. I am the inventor of the presently claimed subject matter
in the above-identified patent application.

2. An infringing product known as the LEADTOOLS, made and sold by LEAD Technologies, Inc., is presently available on the market.

3. The LEADTOOLS product was first analyzed to infringe based on a press release which was first available in or about July 6, 1998.

4. I have made a rigid comparison of the operation and resultant products of the LEADTOOLS as understood from these materials with the claims of the above-identified application.

5. In my opinion, some or all of the claims are infringed.

6. I have a good knowledge of the pertinent prior art and in addition have made or caused to be made a careful and thorough search of the prior art.

7. I believe that all of the claims in the application are allowable over the prior art of record.

The foregoing statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that any such willful false statements may jeopardize the validity of the above-identified application or any patent issued thereon. All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true.

Date: 8-26-1998

Robert S. Silvers
Robert S. Silvers

Subscribed and sworn to before me by the above-named
Robert S. Silvers this 26th day of August, 1998.

[Signature]
Notary Public

My Commission Expires:

April 2, 2004

(Seal)

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